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The Importance of Combat Ethics Training:

Solidifying Marines Footing on the Moral High Ground

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Executive Summary

Title: *The Importance of Combat Ethics Training: Solidifying Marines Footing on the Moral High Ground*

Author: Major Brett A. Clark, USMC

Thesis: Even though the Corps has taken extensive lengths to improve core values and warrior ethos instruction, the current global security challenges and complex and uncertain threat environments of the future require continued development of combat ethics training to best prepare Marines to maintain the moral high ground across the full range of military operations (ROMO).

Discussion: Prior to 2006, Marine Corps instruction on combat ethics had become stagnant and out-distanced by the comprehensive and evolving counter insurgency (COIN) challenges of Operation Iraqi (OIF) Freedom and Operation Enduring Freedom (OEF). After a series of ethically questionable events in combat and the results of the Mental Health Assessment Team IV survey, in 2007, the Corps' rededicated its efforts to train Marines in core values and warrior ethos. In this paper, *Operation Paladin Strength*, a hypothetical Marine mission in a future security environment, is used to demonstrate the complexities of moral dilemmas in combat and to show how choices made by junior ranking leaders in an unpredictable security environment can range the full spectrum of ethics *and* levels of war. Following the example, the development and training of ethics in the Marine Corps are explored using the perspectives of legality and leadership. Several training methodologies are examined and finally ethics training recommendations are provided.

Conclusion: As America's most ready premier fighting force, the Marine Corps must continue to adapt and evolve. Because the Marine Corps tactical unit mission remains one focused on destruction of the enemy and the predominant attitude of the Marines is aggressive and uncompromising, improved battlefield ethics is a must. Training with more emphasis on the need to pursue virtue in the midst of chaos and a responsibility to protect and preserve life will help Marines understand the application of their mission, the diversity of their role, and the context of their fierceness. Just as Marines are taught to utilize terrain of advantage and to gain information and fire superiority over their opposition, they must also be taught to identify and occupy the ethical high ground over the enemy. It is imperative the Marine Corps continues to seek the right mix of training and the most effective way to instruct Marines in combat ethics.

Illustrations

Figure 1. Slide 21 of the MHAT IV Brief to the CMC 18 April 2007, *Appendix 1*p. 30

Figure 2. Slide 23 of the MHAT IV Brief to the CMC 18 April 2007, *Appendix 1*p. 30

Figure 3. The Boyd Decision Making Cycle adapted by the author from the book Boyd:
The Fighter Pilot Who Changed the Art of War, *Appendix 2*p. 31

Figure 4. The Ethical Motivations Equilibrium developed by the author, *Appendix 4*p. 34

Preface

Two combat tours in Iraq, two years of teaching captains at Fort Benning, and countless conversations with combat veterans have convinced me that the most difficult decisions made on the battlefield are those involving ethical dilemmas. These decisions define our character as individual Marines, establish the reputation of our military, and represent to the world, the actions and intent of America. Consequently, two concerns came to mind: whether there is enough emphasis in Marine Corps training on combat ethics, and whether Marine Corps education and training is enough to prepare Marines to maintain a calibrated moral compass through the challenging ethical complexities of current and future security environments.

My selection of this topic for a Masters of Military Science paper was not without consternation. In a classroom environment, far removed from the sensory strain of conflict, the issue of combat ethics can seem very sterile and tidy. However, when applied in the realm of chaos, *combat* ethics are much more muddy, bloody, and complicated. Having served in combat, I have some understanding of the extremely difficult quandaries it can create for Marines. While writing this paper, it was not my intention to question the decision-making of or pass moral judgment on the men referenced in any of the historical examples. Instead, these examples are given as a point of ethical reference and to evaluate the effectiveness of Marine Corps' training.

The paper addresses recently improved efforts of the Marine Corps' to ethically prepare Marines for service in combat. However, with any system, there is always room for improvement. This purpose of this paper is to increase awareness about the continued and increasing need for combat ethics and to identify any room for improvement in how the Marine Corps conducts this training.

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To my former boss and someone who I look up to very much, Colonel Willy Buhl; Thanks to him for his continued guidance, wisdom, and mentoring. Much gratitude is due for his understanding and sincerity in all he does for others, for our Marine Corps, and for our country. I know of no other man so genuine and generous to his fellow Marines.

Thanks to Lieutenant Colonel Joe Lore, for his legal knowledge, general encouragement, and generosity in providing many useful resources to assist me in this project.

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Combat Ethics

*"War must be carried on systematically, and to do it you must have men of character activated by principles of honor."*¹

~ General George Washington

For the purpose of this paper, Combat Ethics are defined as the system of moral principles that govern the conduct of Marines in armed conflict. Marine Corps instruction on combat ethics is accomplished through a variety of methods. These include instruction on core values, leadership, martial arts, rules of engagement (ROE), escalation of force (EOF) and the law of war (LoW). The instruction and application of these subjects, formally included in Marine Corps recruit and officer basic training, home station training (HST), the pre-deployment training program (PTP), and informally occurring daily, are the many ways by which Marines inherit and establish their understanding of martial moral values. Prior to 2006, Marine Corps instruction on combat ethics had become stagnant and out-distanced by the comprehensive and evolving counter insurgency (COIN) challenges of Operation Iraqi (OIF) Freedom and Operation Enduring Freedom (OEF). After a series of ethically questionable events in combat and the results of the Mental Health Assessment Team IV survey, in 2007, the Corps rededicated its efforts to train Marines in core values and warrior ethos. Since then, enhanced training has improved Marines' ethical decision making in combat. Even though the Corps has taken extensive lengths to improve core values and warrior ethos instruction, the current global security challenges and complex and uncertain threat environments of the future require continued development of combat ethics training to best prepare Marines to maintain the moral high ground across the full range of military operations (ROMO).

Future conflicts are predicted to be hybrid-style warfare in urban environments, against non-state actors, who possess greater reach and lethality.² The nature of an urban battlefield is a larger presence of civilians. Non-state actors who are often hard to distinguish from civilians will use a cluttered battlefield as a passive and active defense to further disadvantage their opponents. An enemy with greater lethality and reach will increase combat stress, and further complicate the environment in which ethical decisions must be made. Additionally, the Marine Corps development and implementation of Enhanced Company Operations (ECO)ⁱ and the quickly evolving concept of Security Cooperation Marine Expeditionary Units (SCMEU),ⁱⁱ applied across a greater geographic distance, will further push combat ethics related decisions to less-experienced and more junior ranking Marines. These current and future challenges have significant implications for the strategic corporal and for every level of leadership that can affect the ethical aspect of war. Even though Marines continue to train as realistically as possible, the application of ethical decision making in combat can take them into a realm that is foggy, ambiguous, and vexing, potentially beyond anything their training and previous experience may have prepared them for. The following fictional scenario is used to demonstrate this phenomenon.

ⁱ The ECO concept is a Marine Corps initiative built on the success of the Distributed Operations experiment of 2005 -2006. Enhanced Company Operations are designed to maximize the tactical flexibility offered by true decentralized mission accomplishment, consistent with commander's intent and facilitated by improved command and control, intelligence, logistics, and fires capabilities at the company and below level. Specifically through advanced gear and training, ECO will enable Marine Corps small units to affect a more distributed battlefield while maximizing their ability to conduct expeditionary maneuver warfare.

ⁱⁱ Similar in unit make-up and mission to a Marine Expeditionary Unit, a SC MEU will be employed in a like fashion but task organized specifically for security cooperation and civil military operations. The SC MAGTF will have capabilities, mobility, and sustainability commensurate with its requirements to provide training to less developed military forces and will ultimately provide the Combatant Commanders with a flexible, expeditionary force employment option that further augments the traditional capabilities provided by the Marine Corps. Of note, the SCMEU will employ Marines disaggregated over potentially much greater distances than has been traditional for MEU operations.

Operation Paladin Strength

"Each Marine expects to see every other Marine simply determine the right thing to do – then go do it. The rigors of combat demand no less."³

~ General James Conway, Commandant of the Marine Corps

0642: As the Marine convoy of four armored Joint Light Tactical Vehicle's (JLTVs) approached the final three kilometers to the tribal mountain village, Corporal Young deftly switched his protective eyewear lenses from clear to dark. His eyes adjusted rapidly and he could better see into the shadows, dust, and glare of the foreign land he served in. Corporal Young spoke into his radio and the vehicles halted into a dispersed herringbone. Marines quickly dismounted, conducted security checks, and formed up for tactical movement. From this point on the squad would move dismounted and mounted, providing overwatch and security well ahead of the vehicles to prevent a possible ambush by enemy insurgents.

After three months service in the mountainous, tribal region between Petranistan and Uluristan, Corporal Young, a squad leader in 3^d Platoon, India Company, was familiar with the complexities of tactical movement in the austere mountainous region. He was also familiar with the difficulties of the mission here: "To stabilize the region, increase security, and defeat the insurgent threat in the area of operations." The United States had deployed Marines to this region in the interests of national security and to participate in the multi-national assistance granted to the International Tribal Region, the land that comprised the insurgent ravaged territory between Petranistan and Uluristan. Marines and U.S. Army soldiers had been here for four years dutifully performing what had become an enduring mission.

Corporal Young had quickly realized that the tribal mountain people did not care much about who governed the nation that contained their small village. What they did care about was that their families were provided for, and that they could live in relative peace. This did not

change the importance of the Marine mission, but further complicated it. The insurgents of the region were not all locals, but most had some tribal or distant family ties to the villages that they often sought sanctuary in. If the indigenous people did not support the insurgents' cause, either by action or complicity, the insurgents resorted to intimidation and forceful persuasion. The nature of the enemy seeking refuge and resupply in the local villages often mixed insurgents with non-combatants and consequently created a significant challenge for the Marines.

Another personal difficulty Corporal Young faced was that he had only been squad leader for third squad since Sergeant Johns was killed by a land mine two weeks earlier. The loss of Johns had been devastating to Corporal Young. His sergeant had not only been a fellow Non-commissioned Officer (NCO) and a brother Marine, he was also a good friend. After Johns' death, the squad stayed at the company combat outpost for two days and honored their fallen leader with a memorial ceremony, but it was soon time to resume the mission. The squad was assigned its additional personnel, including an embedded free lance reporter, and Corporal Young was reassigned as squad leader. The 1st Sergeant, Company Commander, and Young's Lieutenant had all spoken with him about the responsibility of this leadership position and the professionalism required for it but, despite his leaders' counsel, Young still felt it difficult to suppress the rage he felt in his gut against the people of this land for the death of Sergeant Johns. Corporal Young knew the squad's blood was up too. They would be a challenge to rein in if there was a firefight. Feeling the weight of leadership and the gravity of the situation, Young reminded himself he must remain professional and keep the honor of the squad clean in the execution of all missions.

Today, Corporal Young with his squad reinforced, conducted a twenty-seven-kilometer security patrol to meet with the locals of a distant village in the platoon area of operations. The

squad had been to the remote township about a month before, giving their Marine-best to earn the trust of its inhabitants. They did so by showing them respect, assessing their needs, and providing them with seeds for agriculture. Even still, it was the nature of the clannish people to question the U.S. influence and they generally remained leery. Corporal Young found the tribal beliefs of the region particularly perplexing. If an outsider requested refuge in a village, and the tribal elder granted it, the people were obligated to protect the outsider with their lives.

Conversely, if an outsider or someone from another village was to kill anyone from their village, the entire fighting age male population of the suffering village was obligated to take revenge against the outside threat, family, village, and tribe. To Corporal Young, this system seemed to perpetuate violence rather than promote peace but he was a warrior at heart and began to understand this philosophy of vengeance after the loss of Sergeant Johns.

0718: As the Marines traveled the last two kilometers to the village, the dismounted squad remained on high ground and ahead of the JLTVs. At a distance they spotted a small group of sheep herders who also saw them and heard the vehicles. A teenager from the local shepherds casually got on a motorbike and started off toward the village. The Marines' visit would soon be announced, negating any possibility of surprise. Normally, this would be inconsequential, but not if any insurgents had decided to visit the Marines patrol objective. Corporal Young radioed back to the vehicles to alert the rest of his unit that any enemy in the village would know the Marines were coming.

0725: The patrol continued to move toward the village and launched their squad unmanned aircraft system (UAS) to get some situational awareness on what awaited them in the village. Lance Corporal Rodriguez, the human intelligence Marine attached to Young's squad, sat in his JLTV and looked at a computer screen displaying an overhead view of the village

provided by the UAS. He radioed to his squad leader reporting that the locals were undoubtedly aware of pending visitors. Some families were going to the rooftops to look for the approaching Marines, but so far there was no sign of weapons or agitation.

0732: Less than a kilometer from the village, the vehicles pulled into a coil with a .50 caliber machine-gun armed JLTV in an overwatch position. If necessary, this vehicle, although just out of sight from the village, could still fire in support of the foot mobile Marines. Corporal Young heard the vehicles' engines shut down behind him as the dismounted patrol continued the last 500 meters toward the village. Young instructed the assistant patrol leader to send a situation report to the Platoon Command Post (CP) and requested an update on the UAS reconnaissance from Lance Corporal Rodriguez. "The village still looks curious but non-hostile," stated Rodriguez over the radio.

0734: Just 400 meters from the village, Lance Corporal Rodriguez reported on the squad radio he spotted men with rocket propelled grenade (RPG) launchers moving on the rooftops amongst the villagers. Just as Young receives the radio call, two Marines in the lead fireteam shout, "Cover!" and "RPG!" The squad hits the deck, scrambles and rolls for cover. Rockets impact to the front of the lead team. An airburst explodes over the small ridge the Marine vehicles are behind and machine-gun fire chews the ground in front of the dismounted squad. PFC Jones from first fireteam is hit by shrapnel and is pulled rearward by his team. One of the Marines throws a smoke grenade to prevent the enemy from accurately targeting the squad position. Marines sight in on the village from behind any cover they can get. "Check your targets!" Young barks to his squad mates as he knows the enemy is mixed with non-combatants. The squad designated marksman fires and Young watches through his own four power optic as an insurgent and his RPG launcher fall from the roof of one of the dwellings.

0735: An enemy machine-gun inside one of the buildings fires through the smoke as the squad finds better cover in some mounds and deadwood on the edge of the village. Behind a berm, the Corpsman checks out Jones and reports to Young, "Priority CASEVAC, Corporal." Young hears a Marine back with the vehicles give a contact report to the Company CP. The reply comes quick, "Close with and destroy the enemy." Corporal Young is relayed the instructions via the squad radio. The rest of the squad hears the radio traffic and the responses over the gunfire follow. "It's payback time!" and "Let's do this @#%* village!" Young sees more villagers being shifted to the edge of the rooftops by the insurgents. The embed reporter is close-by, in the prone with wide eyes and his camera rolling. Eager to engage the enemy, Young's machine-gunner reports from the overwatch position, ".50 cal is fire-cap [fire capable], Corporal, but you're going to have to talk me on target through that smoke."

Corporal Young knows the next decision he makes could result in the deaths of some innocent people and could turn this village, and possibly the entire region, against the U.S. forces for years to come. He shakes off the hesitation as he switches the grenade in his M203 grenade launcher for a specialty round and yells to his machine-gunner. "Stand-by for fire command!"

Combat Ethics through the Legal Lens

"Marines will achieve victory on the battlefield in strict compliance with the Law of War. There is nothing in the Law of War that puts Marines' lives or the mission in jeopardy. Compliance facilitates victory and, at the end of every struggle, Marines will know that they conducted themselves in such a manner as to be judged as worthy successors of a long line of Marines that has gone before them."⁴

~ General James Mattis

The fictional scenario -- *Operation Paladin Strength* -- is similar to combat experiences found in Iraq and Afghanistan and could potentially be experienced in other locations where Marines are deployed. This hypothetical situation demonstrates the extreme level of complexity in combat decisions; and how choices made by junior ranking leaders in an unpredictable

security environment can range the full spectrum of ethics *and* levels of war. Because Marines are military service men, bound to the uniform code of military justice (UCMJ) and the Laws of War, the ethical default set of rules in combat are often the legal parameters.

The current standing rules of engagement (SROE) in the Long War emphasize the fact that Marines always have the inherent right to defend themselves. Marines may proportionally use whatever means necessary, including deadly force, when they have positively identified (PID) hostile act or intent against them or their forces.⁵ Thus, in the *Operation Paladin Strength* scenario, Corporal Young legally has the right to fire on the enemy attackers that have ambushed his squad from the village, even if the combatants are intermixed among civilians. Additionally, Corporal Young has been given an order to “close with and destroy the enemy,” further justifying, if not requiring, a decision by him to respond to the opposition with overwhelming deadly force.

Furthermore, the choice to attack remains legal even though the Law of War (LoW); DOD Directive 2311.01E (often taught to Marines as the Law of Armed Conflict - LOAC), states that only military objectives may be targeted. Because the enemy has chosen to use the hardened position in the village as cover and concealment, they have made it a legitimate target. As the situation stands, Corporal Young is well within both duty and legal parameters to aggressively attack; yet ethically, operationally, and certainly strategically, it may not be acceptable. It is because of muddled situations like this one that a deeper understanding of combat ethics is required by Marines. To increase the insight into martial morality requires the continued development of Marine Corps combat ethics training.

Perceived Loss of the Moral High Ground

*"I am not denigrating the importance of training that fosters ethical behavior in Marines when the primordial urge to survive, or the rage at the death of a friend, raises not the better angels of our nature but baser instincts."*⁶

~ Colonel John Keenan

For over 233 years the United States Marine Corps has earned the reputation as an aggressive, disciplined, combat force that can be counted on to fight, win, and accomplish any mission. Recently, however, during the conduct of the Long War and on several occasions, the ethics of Marines in combat have been brought into question. A number of incidents begin to cast a shadow of doubt on the ethical reputation of the Marine Corps. A quick review of these incidences provides important insight into potential lack of applied ethics resulting from inadequate ethical training.

- 15 April, 2004 in Mahmoudiyah, Iraq – A Marine Lieutenant who had custody of two Iraqi suspects posted all his subordinates in out-ward facing guard positions and removed the restraints from the Iraqis to have them re-search a vehicle. The Marine perceived a threat and subsequently killed the men by firing two magazines of rounds into them. In later statements the Marine stated he killed the suspects because they had spoken to one another and “made a move.” A complaint by a fellow service member prompted an NCIS investigation after which the Lieutenant was charged with two counts of premeditated murder. Following an Article 32 hearing, all charges were dropped.⁷
- 19 November, 2005 in Haditha, Iraq – A Marine patrol was ambushed by a roadside bomb initiated attack that killed one Marine and wounded two others. The Marines engaged a car they deemed hostile near the scene of the explosion, killing its five occupants, then advanced on several nearby houses after suspecting them as the source of incoming small arms fire. Marines attacked and cleared homes they believed were occupied by the enemy. The result was twenty-four dead Iraqis, including three women and six children. Eight Marines were charged for various alleged crimes ranging from murder to failure to report a violation of the law of war. Six of the Marines had all charges against them dismissed. In two final cases, the government has appealed the dismissal of charges against the battalion commander, and the squad leader’s court case is also stalled pending a decision on 1st Amendment protected evidence requested by the prosecution.⁸
- 26 April 2006, Al Hamdania, Iraq - A group of seven Marines and one Navy Corpsman took an Iraqi man, who was a suspected insurgent, from his home to a location where they had been previously ambushed. Next to a road, the Iraqi man was placed, unarmed in an IED crater. The Marines then staged a firefight during which they killed the Iraqi man and

placed a shovel and an AK-47 next to his dead body. All of the Marines involved were charged with various crimes. Five of the eight men pled guilty to a variety of reduced charges and all were out of incarceration by mid-2007. Two of the men in the incident were convicted, but sentenced to no more time than they had already served. The Marine squad leader was found guilty of murder, conspiracy, larceny and false official statements. After a sentence reduction, he was ordered to 11 years confinement in Leavenworth penitentiary.⁹

- 4 March 2007 in Nangarhar Province, Afghanistan - A Marine Special Operations Company convoy was ambushed and struck by a suicide car bomb. The Marines subsequently responded with deadly force and fought their way out of the kill zone resulting in eight civilian Afghans killed, thirty-four wounded, and one Marine injured. Major General Kearney, then commander of U.S. Special Operations forces in the Middle East and Central Asia, ordered the Marine unit to leave Afghanistan because he felt the incident so damaged the unit's relations with the local Afghan population that they were no longer mission capable. A Marine Corps court of inquiry is ongoing. To date, no Marines have been charged with a crime.¹⁰
- June of 2007 – A grand jury indictment was held against a former Marine Sergeant, who was alleged to have killed two captured enemy insurgents and ordered his men to kill two others. This incident, alleged to have happened in Fallujah, Iraq on 9 November, 2004, came to the attention of the government after a member of the indicted Marine's squad admitted to participating in the killing when taking a polygraph test to work for the Secret Service. This was the first ever U.S. court case in which a military veteran was tried by a civilian jury for actions that occurred during combat. Upon completion of the district court trial, the Marine Sergeant was found not guilty on all charges. Two members of his squad, still subject to military law, await courts martial trial for murder and dereliction of duty.¹¹

These aforementioned events, taken cumulatively, appear to show a trend of Marines interpretation of the laws of war starting to blur. Additionally, these specific cases cited are the few that have risen to public attention. How many lesser cases involving combat ethics that were adjudicated at the local level or, under worse case circumstances, went unreported, remains unknown.

Another indicator that highlighted the state of the Marine Corps battlefield ethics was the Mental Health Assessment Team Survey IV conducted from 28 August to 3 October 2006. For the first time in the history of this assessment, Marines were included in the survey and battlefield ethics were evaluated.¹² Regarding attitudes toward the treatment of insurgents and non-combatants, only 38% of Marines surveyed agreed that "all non-combatants should be

treated with dignity and respect.” (Appendix 1) Additionally, with regard to Marines reporting battlefield ethics violations, on average, only 34% responded that they would report a violation of various types ranging from murder to theft.¹³ (Appendix 1) These disturbing results identified to Marine Corps leadership that deficiencies existed in combat ethics training. Of note was that the MHAT, combined with the questionable events in combat, raised unified concern among both the senior officer and enlisted leaders of the Marine Corps.ⁱⁱⁱ

In April 2007, the Commandant of the Marine Corps (CMC), General Conway, ordered an immediate inquiry into the warrior ethos and combat ethics training of Marines.¹⁴ The CMC determined that previous ethics training was stagnated and directed the formation of an ethics and values panel to quickly glean from all ranks what could be done differently to improve training battlefield ethics.¹⁵ Training and Education Command (TECOM) was tasked with implementing new ethics lessons in the formal instruction of Marines across the ranks. The adjustments made included additional instruction and more emphasis on ROE, LoW, culture, ethics and values classes across the range of the formal Marine education and training process.¹⁶ Significant additions included bringing the East and West coast recruit training of the Crucible^{iv} into alignment with additional battlefield ethics application, as well as adding more ethics, core values, decision making, and ethical discussions to all enlisted levels of formal education.¹⁷ The Combat Operational Stress Control Program (COSC) was created and a new Marine Corps Institute (MCI) course titled *Leading Marines* was implemented for Lance Corporals.

ⁱⁱⁱ Sergeant Major of the Marine Corps, Sergeant Major Estrada said in reference to the questionable events in combat “I am troubled by some of the recent incidents we’ve had; conduct on and off the battlefield. I’m talking about the Haditha, the Hamdania, MarSOC. We’ve got a great reputation as Marines, and when those things happen, it chips away at what I consider our credibility.” General Conway said of the MHAT IV, “I was not so pleased when I got to the section on battlefield ethics”

^{iv} Created by General Charles Krulak, Commandant of the Marine Corps in 1995, the Crucible is a 54 hour long field exercise comprised of physical, mental, and now moral challenges designed to be the defining moment when a recruit makes the transition to Marine. It is during this capstone event that the actions and behavior of recruits are closely evaluated on how well they reflect Marine Corps core values. If a recruit passes this test he/she earns their Eagle, Globe, and Anchor and will graduate recruit training.

Additionally, officer instruction on ethics was updated to include case studies and discussions at all levels ranging the Basic School to the Marine Corps War College.¹⁸

On March 28, 2007, General Conway summed up the extensive improvements and efforts of the organization to rededicate itself to improving training and education regarding battlefield ethics. In a statement before the Senate appropriations subcommittee on defense on Marine Corps posture, the Commandant briefed the following:

During this past year, we also reviewed our efforts to instill in Marines those core values necessary to guide them correctly through the complex ethical demands of armed conflict. We have ensured that every Marine, at every phase of the training continuum, studies ethical leadership, the Law of War, escalation of force, and Rules of Engagement. Our entry-level training first presents these concepts in the classroom, and then tests for proper application of these principles under stressful field exercises. We further reinforce confident, ethical decision-making through the Marine Corps Martial Arts Program that teaches our Core Values and presents ethical scenarios pertaining to restraint and proper escalation of force as the foundation of its curriculum. We imbue our Marines with the mindset that “wherever we go, everyone is safer because a U.S. Marine is there.”¹⁹

Training to Navigate the Gray Areas and Retain the Moral high Ground

*“There are always going to be 100 reasons why you want to violate the rules. There are always 100 reasons to violate them. There’s only one reason really to stick with them, and that is because you were told to. This is the naval service. This is the varsity...”*²⁰

~ General James Mattis

An ethical dilemma is often described as the choice between two potentially negative options. According to Marine Corps doctrine, an ethical dilemma is “the necessity to choose between competing obligations in circumstances that prevent one from doing both.”²¹ These lose – lose phenomena do occur in combat and Marines must be primed to handle them. As seen in *Operation Paladin Strength*, combat may take Marines beyond the clear *legalities* of conflict into varied ethical complexities. Thus, the Corps must train for and anticipate moral dilemmas in order to enable Marines to make the right decisions when facing these challenges for the first time in combat. Ideally, if ethical predicaments are included enough in training, Marines will

develop an “ethical muscle memory” that reinforces their moral understanding and conditions them towards honorable decision-making. This is especially important considering their judgment will be tested by the most stressful conditions of combat.

Another benefit of ethical decisions having to be made in combat training is that it builds consistency in principled decisions and staves off the acceptance of situational ethics. The notion of situational ethics is that it is acceptable for an individual to determine what is ethical, exclusively in terms of the knowledge and information he has from the circumstances of that situation at that particular moment.²² Clearly, situational ethics are an intolerable model for the Marines or any military for the simple fact that they acknowledge no standard by which to determine right or wrong. To operate based on an ethical system in which the determination of right and wrong will vary in definition depending on the particular situation, would very often land Marines well outside Laws of War, ROE, and honorable service. On the subject of moral courage, the Marine Corps Mentoring Guidebook states, “a leader must commit to inviolate principles, and there is no room for situational ethics.”²³ Emphasizing these points in instruction, case studies, and interactive discussion, will enable Marines to better understand the basis of their service’s ethical framework and why situational ethics are unacceptable.

A popular notion, similar to situational ethics, is the often debated idea of a “gray area” in ethics. This concept suggests that there is an acceptable *in-between* of right and wrong, a proverbial blurry area of morality. This logic is inaccurate and is not appropriate when applied to the type of decisions Marines make in combat and on a daily basis. There are situations where finding the morality in one of two negative courses is difficult, however this is not a situation where, independent of others, the pursuit of morality can be temporarily abandoned. Just as

situational ethics are not acceptable, there can be no acceptance of gray areas in the ethical behavior of the Marines.

The gray area that does exist in combat ethics does not have to do with choosing between right and wrong or choosing between two less than desirable outcomes, but with not being aware of all the facts to accurately choose the most ethically right one.²⁴ In addressing this definition of ethical gray areas, Asa Kasher states "Much of what we encounter that constitutes ethical gaps results from neither wickedness nor negligence, but rather lack of understanding or even misunderstanding of major parts of the framework within which people act."²⁵ Essentially, unknown or miscalculated information in a situation can result in the perception that an unethical decision was made, but in actuality a decision with undesirable results was made because of a decision maker's lack of information or understanding.

As an example, if Corporal Young was unaware of innocent inhabitants in the village and had ordered an attack on the enemy that resulted in the death of numerous civilians; this would have been a decision made in a gray area. Many Marine combat veterans, and certainly those participants in the Marine Corps Values and Ethics Conference in May 2007, found the topic of ethical gray areas reoccurring.²⁶ There is no question that Marine combat ethics training must address the subject of gray areas. Increased open discussion on combat ethics and continued training to maximize Marines' situational awareness are necessary methods to reduce potential gray areas. Specialized training like Combat Hunter and realistic, dilemma provoking exercises at Mojave Viper will continue to help Marines understand and navigate through this ethical fog of war.

Combat Ethics and the OODA Loop

*"The nature of this war with its ruthless enemies, and its complex and dangerous battlefield will continue to challenge us in the commitment to our core values. We must be strong and help one another to measure up."*²⁷

~ General Hagee, 33rd Commandant of the Marine Corps

Because combat ethics decisions take place in a real time, chaotic environment, often under periods of fatigue and stress, they can have a deeper impact on military men beyond what can be experienced in a classroom or in field training.²⁸ The moral guidelines that govern a Marine's decisions in combat are but one aspect of his decision making cycle. A reference to Colonel John Boyd's Observe, Orient, Decide, and Act paradigm (known as the OODA loop) can provide a map of the decision making cycle and how it relates to combat ethics. This model, developed by a 1970s Air Force fighter pilot is both combat related and familiar to most Marines. It outlines the process of a decision maker; observing his environment, orienting to his surroundings, deciding on a course of action, and then acting on his decision. Understanding of the OODA loop process and the motivators for each step toward action can provide valuable insight into how a decision maker is influenced. (Appendix 2)

Using the OODA loop as it applies to the *Operation Paladin Strength* scenario more specifically reveals how ethics apply to a combat decision maker. (Appendix 3) Ethical influences are present in the decision-making cycle but, surprisingly, they take a secondary role to the other more immediate aspects of choice selection. Depending on the individual and how significant his self-guidance and self-control are, ethics may seem moderate in comparison to the very powerful and pressing motivations to defeat the enemy, accomplish the mission, and provide for welfare of troops. This is especially true when considering the strong ambition of Marine infantrymen to locate, close with, and destroy the enemy. Through application of Boyd's

OODA loop and terms to teach ethical decision making, Marines can better visualize their need to focus on clear ethical *implicit guidance* from leaders and to exercise self-control.^v

The concept of self control implies that restraint may more frequently need to be applied in situations where there are mixed non-uniformed enemy combatants and civilians. Not so coincidentally, restraint is repeatedly mentioned throughout past and present Marine Corps doctrine.^{vi} Similar to what the COIN manual describes as a characteristic of insurgency, future security threats in areas of high population will also be “wars amongst the people.” Therefore, as the manual later states, “Combat operations must be executed with an appropriate level of restraint to minimize avoid injuring innocent people.”²⁹ To do this requires a fundamental understanding of ethics and how they promote moral decision making. If Marine Corps instruction on decision making more often includes the OODA loop model to demonstrate how, through implicit guidance and self control, ethics can govern Marines’ actions, a better overall understanding of ethics can be achieved.

Marine Corps Cultivation of Ethical Warriors

“Because Marines are the centerpiece of the Corps, how we recruit them, train them, instill in them our core values and a sense of integrity and accountability, equip them to do their jobs, and treat them with dignity, and care, and concern must be our principal interest.”

~ General Charles Krulak, USMC, 31st CMC

A fairly common misconception is that the Marine Corps needs more stringent recruit eligibility requirements because ethical violations are committed by Marines who entered the Corps with behavior or intellect waivers.³⁰ Recent information from both officer and enlisted personnel with recruiting and combat experience indicates this is not true. The majority of ethics violations can be attributed to Marines in the average-to-upper mental category, with few or no

^v Implicit Guidance and Control are the two overshadowing decision making influencers that are present in every step of Boyd’s OODA loop.

^{vi} The Marine Corps Small Wars Manual and The Counterinsurgency (COIN) Manual

criminal behavior related waivers, generally representing, not the bottom 10% of Marines, but more accurately the entire population.³¹

A closer look at what the Corps does to transform an average individual into a confident member of an elite military organization provides better understanding of how Marines inherit their battlefield ethics. Before an individual can begin recruit training, he must be found of reasonable quality to be molded into an ethical warrior. To be eligible for the Corps, "in the pool" of potential Marines, a "poolie" must meet the baseline physical, mental, and moral requirements established in Marine Corps Military Personnel Procurement Manual. Overall, applicant eligibility is based on the level of education, the mental capability, and the "whole person" concept.³² In the moral category, "applicants with no criminal convictions, fines, or periods of restraint are morally eligible for enlistment."³³ However, if applicants have infractions in these areas they may be waived to a certain degree within the discretion of the Recruiting Station Commanding Officer and the higher chain of command.³⁴

Once a recruit is accepted, processed, and shipped to a Marine Corps Recruit Depot (MCRD), recruit training lays the foundation upon which his Marine character is formed. Ethics and the USMC core values are introduced on the very first training day.³⁵ Young recruits are taught the deeper meaning of these organizational core values and that Marines lives should exemplify the meaning of three words - Honor, Courage, and Commitment. The Marine Corps institution embraces integrity as a mainstay of leadership and virtue because it enables leaders and subordinates to plan and act knowing that mutual understanding provided by honest two-way communication is accurate. Superiors and subordinates can count on each other to behave in predictable and ethical ways based on the foundation of ethical virtues and core values. Consequently, the institution becomes stronger.

During recruit training a great emphasis is placed on discipline, team pride, and unit cohesion, especially through drill, field, and physical exercises. During all training, the corrective action of the drill instructors imparts a general understanding of utilitarian ethics, i.e. the greatest good for the greatest number of men and how, as a team, the members of the platoon can strive to achieve this. Marine Corps core values discussions, led by drill instructors, recruit training officers, and Navy chaplains are prevalent throughout all three phases of the twelve week indoctrination for a total of 38 hours of Core Values Training.³⁶ This reflects an increase of 18 hours, up from the 15 hours of the 2005 schedule.³⁷ This training, at the doorway to the Marine Corps, is where recruits establish a military value and virtue system.

After graduating MCRD, Marines from combat arms military occupational specialties undergo Marine combat and infantry specific training at the School of Infantry (SOI). The development of ethics continues with core values discussions, Marine Corps Martial Arts program (MCMAP) instruction, Law of War, ROE, and mentoring classes. All of these are designed to reinforce and build on the Marines' already established foundation of moral understanding. Following completion of instruction at SOI, Marines check in to their first operational unit motivated, morally grounded, and ready to face the challenge of deployment and combat. Because this is the first time Marines are in an operational unit and given significantly increased responsibility, it is imperative at this phase of their young careers that they are made to feel welcome, assigned a mentor, and are given a strong example of ethical leadership. Here, unit cohesion combined with ethical leadership by example, form the essential solidifying bonds of a Marine's integration into the operating Marine forces as an ethical warrior.

Leadership and Combat Ethics

*"First, they [leaders] need to be moralists - not just poseurs who sententiously exhort men to be good, but thinkers who elucidate what the good is. This requires first and foremost a clear idea of right and wrong and the integrity to stand behind your assessment of any situation."*³⁸

~ Admiral James B. Stockdale

In the establishment, sustainment, and application of combat ethics, leadership has supreme influence. Recent Marine Corps leadership and ethical assessments have identified a link between good NCO leadership and adherence to battlefield ethics as well as good officer leadership resulting in Marines following the rules of engagement in combat.³⁹ The development of leadership skills through mentoring has been a mainstay of the Marine senior to subordinate relationship since the inception of the Corps'.^{vii} However, to emphasize the importance of mentoring, in February 2006, General Hagee, published Marine Corps Order (MCO) 1500.58. This order officially promulgated the Marine Mentoring Program (MCMP) which was designed to promote Marines constant pursuit of the highest standards of behavior.⁴⁰

This program, when taught properly and emphasized down the chain of command, is another way Marine Corps leadership can reinforce and positively influence the subjects of combat ethics and ethical decision-making. Unfortunately, at the 2008 Russell Leadership Conference, a lack of NCOs embracing the MCMP was revealed.⁴¹ Junior Marine leaders who attended the conference felt the mentoring program is misunderstood, an administrative burden, and considered by many a "check the box" requirement.⁴² At the junior leadership levels, both the mentoring and counseling programs have been low priorities, sometimes ineffectively

^{vii} In the 1921 edition of the Marine Corps Manual, then Commandant Major General John A. LeJeune captured this relationship with the following words: "*The relation between officers and enlisted men should in no sense be that of superior and inferior nor that of master and servant, but rather that of teacher and scholar. In fact, it should partake of the nature of the relation between father and son, to the extent that officers, especially commanding officers, are responsible for the physical, mental, and moral welfare, as well as the discipline and military training of the young men under their command who are serving the nation in the Marine Corps.*"

implemented, and organizationally cumbersome. The reality is that younger Marine leaders prefer more discussion based, tangible, and real world examples as opposed to the formal, seemingly paper driven annual requirement style programs. When properly introduced, made familiar to emerging leaders, and reinforced with savvy leadership techniques, the MCMP as well as the NAVMC 2795, the USMC User's Guide to Counseling, can significantly improve the development of subordinates and their ethical behavior. Like many issues in leadership, counseling and mentoring are two that must be applied with finesse.

Another subject related to leadership and combat ethics is the issue of trust. The development of this faith and reliance on each other, among fighting men, starts during their initial training. Trust develops vertically, as Marines continue to be influenced, taught, and coached by their leaders, and horizontally, as they share more time, duty, and hardship with their peers.⁴³ Trust among peers, referred to as social cohesion by military researcher Dr Wong,^{viii} is what gives fighting men responsibility to achieve group success and to protect the unit from harm.⁴⁴

In the Long War, and typically in irregular war, units are more dispersed geographically. The nature of this distance typically results in reduced presence of higher level leadership. The result is greater influence of horizontal cohesion on ethical decision making. The sentiment from Marines at the Corps' Values and Ethics conference of 2007 was that an "erosion of trust" and a gap in understanding of basic moral standards exist between superiors and subordinates.⁴⁵ In order to achieve a service-wide criterion of ethical understanding, Marine leadership must work to close this gap by facilitating more interaction between leaders and subordinates, emphasizing two-way communications, and re-emphasizing ethical combat leadership to senior commanders.

^{viii} DR. Leonard Wong is an Associate Research Professor of Military Strategy (Human and Organizational Dimensions) in the Strategic Studies Institute at the U.S. Army War College. His research includes leadership, professionalism, and innovation in the military.

Marine combat ethics training must strive for equilibrium between vertical trust, horizontal trust, and the individual commitment to act in accordance with moral principles and core values.

(Appendix 4) This harmony of energies toward virtuous decision-making maximizes a Marine's stability on the moral high ground. When this balance is achieved it will better enable followers to become ethical leaders and greatly assist Marines to move from compliance to moral understanding.⁴⁶

Combat Ethics, Aggression, and Moral Health

*"The leader's mere presence is not always sufficient to ensure killing activity. The leader must communicate a clear expectancy of killing behavior. When he does, the influence can be enormous."*⁴⁷

~ Lieutenant Colonel Dave Grossman

As the Corps seeks continued improvement in the ethics development of its evolving leaders, the organization must fully recognize the influence that power and aggression have on morality. Proven in Dr Stanley Milgram's famous studies on aggression and compliance at Yale University, unethical behavior can be incited by the need to obey.⁴⁸ In Milgram's experiments an authority figure with a lab coat and clip board was able to coerce 65% of subjects into administering, what was believed to be a potentially lethal charge of electricity, to a stranger. Similarly, the inherent discipline and obedience instilled in military men, (particularly Marines) makes them susceptible to straying from the moral high ground if they believe their doing so is either an order or the intent of their superiors. An example of this is U.S. Army soldiers killing enemy prisoners in Biscari in 1943 after Patton's ill phrased guidance on dealing with the Italian snipers. The war crime report quotes Patton as stating, "We will show him [the enemy] no mercy... if he wishes to surrender, oh no! That bastard will die".⁴⁹ This type of "violence rousing" speech from leaders is a detriment to ethical decision making, and the good order and discipline of a unit. Marines, FM 1-0 Leading Marines states, "If followers do not believe their

leader is operating from a foundation of values, then words become hollow and lack credibility and the leader will be ineffective.”⁵⁰

Other more recent examples of the relationship between potential unethical behavior and authority can be found in two of the aforementioned Marine Corps combat incidents from Operation IRAQI FREEDOM. In the Fallujah incident, alleged to have happened on 9 November 2004, the affidavit against Marines for killing captured insurgents was based on a radio conversation with superiors. During this conversation the Marines were asked "Are they [the captured insurgents] dead yet?"⁵¹ When told "Negative", the voice of authority on the radio gave instructions purportedly to "Make it happen." In the Haditha incident of November 2005, the guidance given to the Marines clearing houses in a residential area was to "shoot first and ask questions later."⁵² These incidents, and any others that condone "disposal" of surrendered enemy or encourage indiscriminate use of deadly force, can strengthen enemy resolve and opposition recruitment as well as morally and emotionally disable the Marines involved.

Just as the evidence between upright moral leadership and sound subordinate ethics is strong, the relationship of moral health to mental health is also strong. Studies and data indicate that a service member who has committed atrocities is at much greater risk for both long term and immediate psychopathology issues.⁵³ Research by Peter Kilner^{ix} indicates "Many soldiers that have killed in combat – yet are unable to justify to themselves what they did – suffer from Post Traumatic Stress Disorder (PTSD)."⁵⁴ To help Marines preserve their character and mental health in the midst of the ambiguities of war, ethics training must instill moral virtue in Marines to a level commiserate with their desire to maintain both vertical and horizontal cohesion.

^{ix} Lt Colonel Peter Kilner is a U.S. Army Soldier and ethicist who was a prior-enlisted infantryman. He has served in two deployments to Iraq and has a Ph.D in Education from Penn State. He has also served as a philosophy instructor at West Point

Leaders must not only ensure ethics training helps to prepare the psyche of their Marines for tough moral dilemmas, they must keep their own moral compass calibrated and fully embrace the responsibility to give clear, ethical guidance to their subordinates. Leaders must also ensure potential unethical behavior is investigated and stopped, ideally before it occurs.

Marines Regaining and Sustaining the Moral High Ground

*"The battlefield is chaotic and deadly, and it is on the battlefield that we hold the responsibility of enormous destructive power in our hands. There, most of all, self-control is the premier ethical virtue."*⁵⁵

~ General Charles C. Krulak, 31st CMC

As America's most ready premier fighting force, the Marine Corps must continue to adapt and evolve. Because the Marine Corps tactical unit mission remains one focused on destruction of the enemy^x and the predominant attitude of the Marines is aggressive and uncompromising, improved battlefield ethics are a must. Training with more emphasis on the need to pursue virtue in the midst of chaos and a responsibility to protect and preserve life will help Marines understand the application of their mission, the diversity of their role, and the context of their fierceness. Just as Marines are taught to utilize terrain of advantage and to gain information and fire superiority over their opposition, they must also be taught to identify and occupy the ethical high ground over the enemy. It is imperative the Marine Corps continues to seek the right mix of training and the most effective way to instruct Marines in combat ethics.

In the final analysis, since 2007, the Marine Corps has done an outstanding job of recognizing and correcting identified shortfalls in the area of combat ethics. However, combat ethics are an issue the Marine Corps must continue to develop and evaluate. If the Corps' holds true to the belief that Marines are morally conscious servants of their country and, that following completion of that service, they will return to society as better American citizens, then Marine

^x FMFM 6-4 states the primary mission of the Marine rifle company and platoon is to locate, close with, and destroy the enemy by fire and maneuver or to repel his assault by fire and close combat.

training must emphasize more combat oriented ethical decision making. In preparing Marines to face ethical dilemmas on the battlefield, the bottom line is that if the Marine Corps can train its units to deploy, accomplish the mission, and redeploy with their individual and collective honor intact, then the combat ethics training of Marines is where it should be.

Recommendations for Marine Corps Combat Ethics Training

*"By building the character discipline of a Marine with MCMAP, one who embodies our core values and is self-disciplined, we build a Marine as a warrior - defender of all, and not a thug. This Marine then is capable of making the right decision under any condition from combat to liberty."*⁵⁶

~ Lieutenant Colonel Joseph C. Shusko

Considering the prevailing requirement for ethical decision makers across Marine ranks and the potentially violent mission that Marines must sometimes exact, the following recommendations are provided for Marines combat ethics training.

- 1) At the School of Infantry, build on the current Marine Corps core values curriculum by specifically including the topic of combat ethics. Emphasize to young Marines the importance of this topic and socialize them to combat ethics as an issue which Marines are willing to confront openly. This instruction can be introduced with the concept of fairness, reinforced with examples of core values adhered to in combat, and finally used to emphasize the importance of the ethical high ground.⁵⁷
- 2) At a Marine's home station, advance the understanding of utilitarian ethics, situational ethics, and clarification of ethical "gray" areas through case studies, and historical and personal experiences. Open discussions with Marines on combat ethics should be encouraged to help Marines better identify the ethical high ground.
- 3) Continue to develop training that maximizes Marines' situational awareness in combination with sharpening ethical decision-making skills. Combat Hunter training and realistic exercises at Mojave Viper, Mountain Warrior, and Desert Talon, where Marines are faced with ethical dilemmas under pressure, will continue to help Marines better understand and successfully navigate through potential ethical "gray" areas.
- 4) Build in the mind of Marines an association between duty, and the responsibility to protect and preserve life. This will prevent a Marine from being swayed to a potentially less than ethical decision-by-a-need-to-solely-destroy-the-enemy-if-it-means-potentially-killing-civilians-as-well.
- 5) Inclusion of the OODA Loop in combat ethics training and in professional military education (PME) will help leaders determine what factors influence ethical decision making. Additionally,

the OODA loop may demonstrate to leaders how to adjust ethical motivations in training so that Marines situational understanding and ethical practice further benefit.

- 6) Leaders must continue to reward maturity and virtuous decision-making at every opportunity, point out when discretion has been the better part of valor, and firmly hold men accountable for when behavior is not ethical. The use of the “Strategic Corporal” and “Three-Block War” analogies provide further rationale for both virtuous and pragmatic combat decision making. The overarching goal is to maintaining legitimacy, especially as a lawful nation state participating in an irregular war environment. General James Mattis’ use of the Hippocratic Oath, “First do no harm”, as part of his division commander’s intent is an excellent example of describing this point.
- 7) Increase emphasis on the character building aspect of the Marine Corps Martial Arts Program (MCMAP); specifically on the mind and spirit portions of the “mind, body and spirit” triad of MCMAP. Marine leaders must take the advice of Lieutenant Colonel Shusko on the “inspect, don’t expect” philosophy when it comes to MCMAP.⁵¹ Supervision and validation of the MCMAP instructional “tie-ins”, core values discussions, and warrior culture studies by commanders will promote the ability of MCMAP to develop the martial ethics of all participants.
- 8) In PME, after action, and in general discussions of ethics, Marines should be encouraged to generate and share ethical case studies and personal experiences of their own. Marines can communicate with their peers about these cases, what happened, and whether they think the moral high ground was maintained or not. Alternatively, cases can be selected and used, as ethical TDGs. These types of practical applications will better prepare Marines for potential similar moral dilemmas they may encounter in combat. Training in this fashion encourages Marines to think about various solutions and to actively reason using the core values as a guide, rather than simply be told the “right” answer.⁵⁸ If finesse and good intent are followed, leaders may use ‘guided testimonials’ from subordinates to connect horizontally and vertically across their organization. Accordingly, leaders must continue to empower the NCO corps and as much appropriate, junior level Marines. Teaching of ethical conduct by peers and near peers is shown to have a more profound long-term influence than if it were given by senior commanders or leaders.⁵⁹ The reliance on savvy junior Marines to instruct must be a trend. Ultimately, leaders must find the right balance of instruction and instructors to encourage the equilibrium of ethical influence.
- 9) The Marine Corps must remain self critical on the topic of combat ethics. Participation in follow-on ethical climate surveys will serve as an additional metric to show the status of virtue in combat forces.

⁵¹ TECOM reiterates his words in one of their ROE, LoW, EOF briefs. “Once again, if properly supervised, we accomplish what the CMC is looking for by making ethical warriors of the 21st Century... Commanders need to get onboard and be involved with MCMAP so they can also see and do the character training that basically made this program the success it is.”

Operation Paladin Strength – Encore

*"The soldier, be he friend or foe, is charged with the protection of the weak and unarmed. It is the very essence and reason of his being. When he violates this sacred trust, he not only profanes his entire cult but threatens the fabric of international society."*⁶⁰

~ General Douglas MacArthur

And what of Corporal Young? His dilemma is distressing yet it still offers him the ability to maintain the ethical high ground. He and his squad reinforced could certainly attack the village by first suppressing it with heavy machine-gun fire and grenades, then close with and destroy the enemy - but at what cost? To attack the village as an insurgent strongpoint may achieve a minor tactical victory but it would certainly result in the death of civilians as well. The second and third order effects of this action would undoubtedly turn the village, tribe, and potentially the entire region against the Marines as well as provide news footage to the world that would discredit the Marine Corps' reputation. Video of an attack on an enemy occupied village, once edited by the enemy information operations specialists, would simply show civilian carnage caused by Marines and could serve as fantastically successful anti-western, insurgent recruiting propaganda. Moreover, to avoid killing civilians was the ethical choice. Knowing all this, Corporal Young, suppressed his vengeful feelings and made his choice as a professional warrior and not a savage.

First, to keep the enemy pinned down, Corporal Young instructed his machine-gunner to fire over the rooftops of the buildings. Then he fired specialty rounds – high concentrate smoke grenades - from his M203 to screen his dismounted forces as they withdrew with their wounded. Along with the attached sniper team, Young and his designated marksmen fired at confirmed enemy only and silenced the enemy machinegun as they covered the withdrawal of the squad and finally themselves back to the vehicles. Corporal Young would still close with and destroy the

enemy, but not on conditions determined by the enemy. Later that evening, after successfully evacuating the wounded and ensuring redundant clandestine observation of the enemy by the squad UAS and the sniper team, Corporal Young and his men engaged and destroyed the enemy as they attempted to depart the village. Upon visiting the village the next day, Young and his men discovered the civilians had sustained no casualties and were very appreciative of the restraint shown by the Marines. The tribal leader was especially happy as it had been his daughters that were forced onto the roof by the insurgents. By maintaining the moral high ground the Marines kept their honor clean and earned the trust of the village.

¹ Peter Tsouras. *Warriors' Words: A Dictionary of Military Quotations*. (New York: Sterling Publishing, 1992), 63.

² United States Marine Corps, Strategic Vision Group, 2025 Brief to CSC, Quantico, VA. 21 Sept 2008, slide 7.

³ United States Marine Corps. 34th CMC Guidnace. (Washington DC: Department of the Navy, 2006), 12.

⁴ United States Marine Corps. *War Crimes*. MCRP 4-11.8B. (Washington DC: Department of the Navy, 2005), ii

⁵ Standing Rules of Engagement/Rules for the Use of Force (SROE/SRUF), Chairman of the Joint Chiefs of Staff Instruction 3121.01B, ROE Card 13 June 2005, current as of 28 January 2008.

⁶ John Keenan. "Editorial: Battlefield Ethics." *Marine Corps Gazette*, July 2007, 2.

⁷ United States Marine Corps. Article 92 Charge Sheet for 2nd Lieutenant Ilario Pantano. Camp Lejeune, North Carolina. February 2005. See also Steve Fishman. "Hell's Kitchen". *New York Magazine*, (April 25, 2005), 3.

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⁸ United States Marine Corps. Haditha, Iraq Investigation Press Statement, Iraq Investigations webpage <http://192.156.19.109/lapa/Iraq/Haditha-Adv-020-061220.htm> (accessed February 1, 2009). See also Wuterich, Frank, Sergeant, USMC. Sworn Statement dated 26 Feb 2006, p 2.

<http://warchronicle.com/DefendOurMarines/Documents/SSgtWuterichWattsStatement.pdf> (accessed February 4, 2009).

⁹ Mark Walker, "MILITARY: Hamdania squad leader headed for Fort Leavenworth." North County Times, June 19, 2008. <http://www.nctimes.com/articles/2008/06/19/military/z60c9ef90180d24fb8825746d006fb168.txt> (accessed January 17, 2009). See also United States Marine Corps. Hamdania, Iraq Investigation Press Statement, Iraq Investigations webpage <http://192.156.19.109/lapa/Iraq/HAM-060621.htm> (accessed January 17, 2009).

¹⁰ Paul Von Zielbauer. "Afghan Civilians Were Killed Needlessly, Ex-Marine Testifies". New York Times, January 9, 2008. <http://www.nytimes.com/2008/01/09/world/asia/09abuse.html> (accessed January 3, 2009). See also Ann Scott Tyson. "Marine Unit Is Told To Leave Afghanistan." Washington Post, March 24, 2007; A12. <http://www.washingtonpost.com/wp-dyn/content/article/2007/03/23/AR2007032301721.html> (accessed January 17, 2009).

¹¹ United States District Court for the Central District of California Grand Jury Indictment of Jose Luis Nazario, June 2007. http://warchronicle.com/TheyAreNotKillers/Fallujah04/GrandJury_June07_Nazario-superseding-indictment.pdf (accessed February 4, 2009). See also United States District Court - United States of America against Jose Luis Nazario Jr., Complaint for violation of Title 18, United States Code, Sections 1112, 3238, and 3261 (a) (2). 6 August 2007. <http://warchronicle.com/TheyAreNotKillers/Fallujah04/070816nazariocomplaint.pdf> (accessed February 4, 2009).

¹² United States Army Medical Command. *Mental Health Advisory Team (MHAT) IV final report*. Office of the Surgeon, Multi National Force Iraq and Office of the Surgeon General. 17 November 2006.
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¹³ United States Army Medical Command. *Mental Health Advisory Team (MHAT) IV final report brief*. (Office of the Surgeon, Multi National Force Iraq and Office of the Surgeon General. 17 November 2006) slide 23.

¹⁴ Conway, James, General, Commandant of the Marine Corps. "Frontline, Rules of Engagement: Interviews with General James Conway". October 9, 2007.
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¹⁵ United States Marine Corps. *CMC White Letter 2-07. Subject: Warrior Ethos*. Washington DC: Department of the Navy, May 2007.

¹⁶ LtCol. K. W. Brown. *Executive Summary of Marine Corps Law of War, Rules of Engagement and Escalation of Force Training and Education Continuum*. (United States Marine Corps, Training and Education Command. May 4, 2007), 1.

¹⁷ LtCol. K. W. Brown. *Executive Summary of Marine Corps Law of War, Rules of Engagement and Escalation of Force Training and Education Continuum*. (United States Marine Corps, Training and Education Command. May 4, 2007), 1.

¹⁸ *Ibid*, p 2.

¹⁹ James T. Conway, General, Commandant of the Marine Corps, Statement before the Senate Appropriations Committee Subcommittee on Defense on Marine Corps Posture, March 28, 2007
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²⁰ James Mattis, Ethical Challenges in Contemporary Conflict: the Afghanistan and Iraq cases / United States Naval Academy, William C. Stutt Ethics lecture series. (Annapolis, MD, February 23, 2006), 21
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²¹ United States Marine Corps, MCWP 6-11 *Fleet Marine Force Manual 1-0, Leading Marines* (Washington D. C.: Department of the Navy, 1995), 39.

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Appendix 1

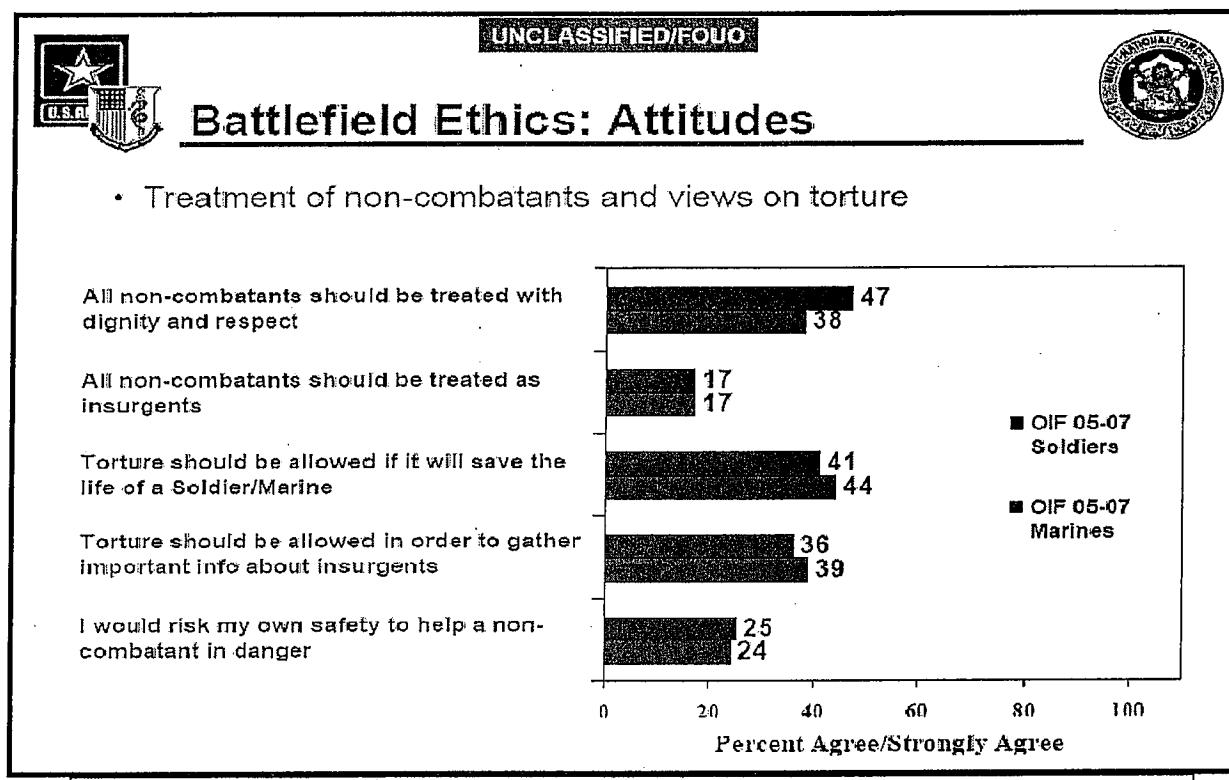


Figure 1. Slide 23 of the MHAT IV Brief to the CMC 18 April 2007

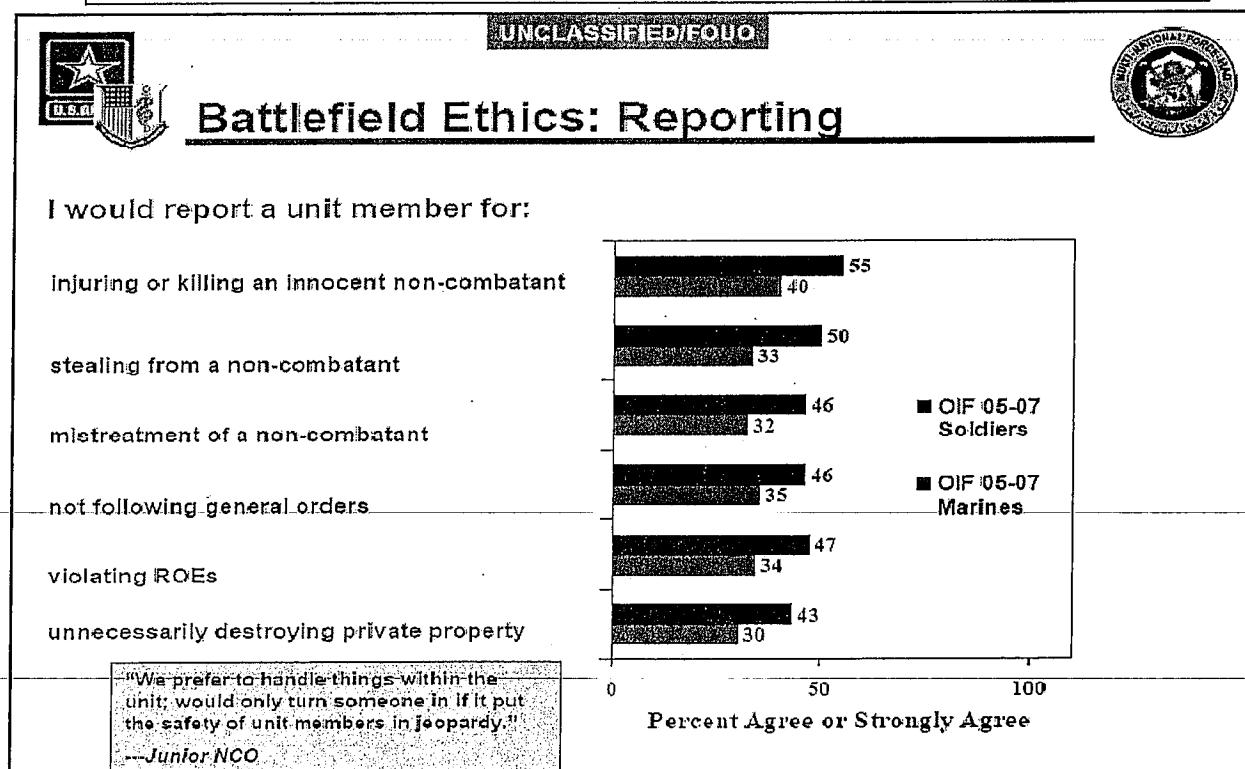


Figure 2. Slide 21 of the MHAT IV Brief to the CMC 18 April 2007

Appendix 2

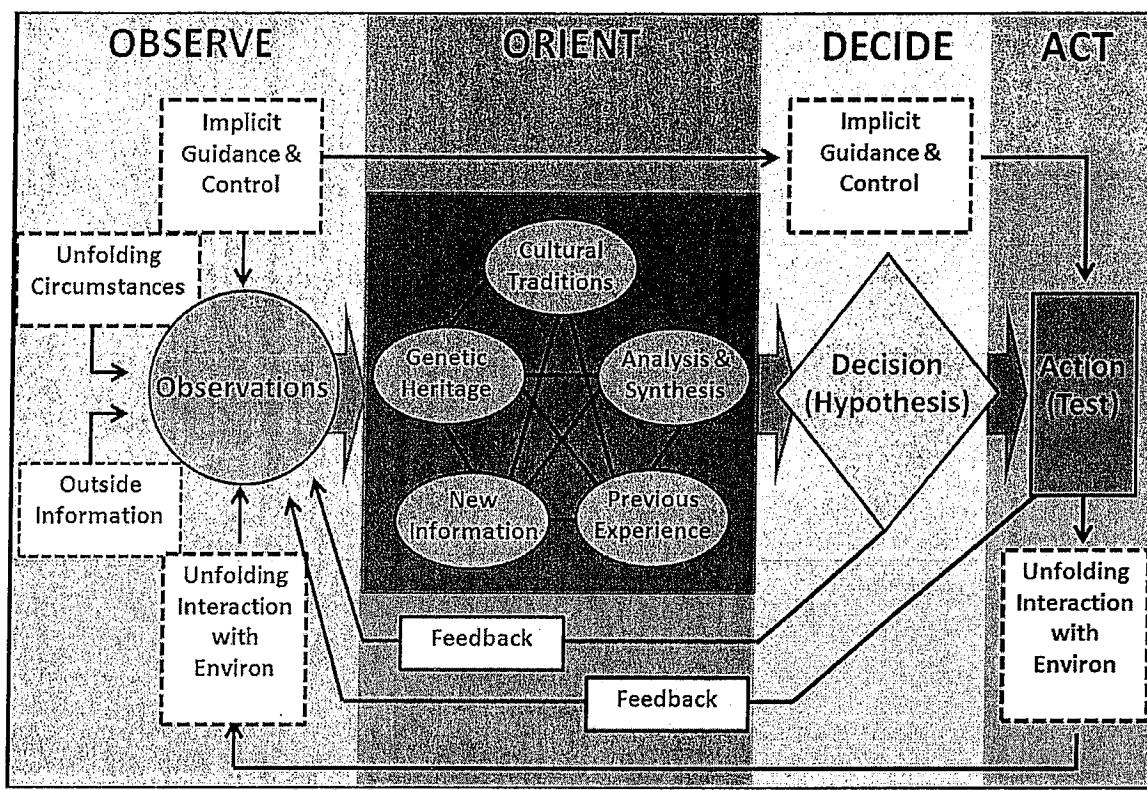


Figure 3. The Boyd Decision Making Cycle

Appendix 3

To demonstrate Boyd's Decision Making Cycle or OODA Loop in the context of combat ethical decision making, the moral dilemma of Corporal Young in the *Operation Paladin Strength* situation is used below.

Corporal Young is in the process of leading his squad on security patrol to a remote tribal village and is fired upon by enemy insurgents that use civilians to hide behind and a village as a position of cover and concealment. Before his squad gets to the village, Corporal Young is processing any *new information* about the affiliation or threat of the enemy in the area, including the previously observed sheep herders. Young is recalling the latest predicted enemy most probable course of action, situation reports, recent intelligence reports as well as enemy tactics, techniques and procedures he was briefed on prior to departing for the mission. He will be reviewing his own *previous experience* with similar or possibly the same enemy of the area that enables him to predict what enemy his squad may encounter and how the enemy might attack during this patrol. If Corporal Young has any indication of the likely identity of the enemy he will be considering any information he may have pertaining to their tribal nature or *cultural traditions* that may determine how the enemy will fight. Perhaps the likely *genetic heritage* of the presumed enemy will make Corporal Young consider possible issues of the enemy's ability to move quickly in the mountainous environment, endure the higher altitude, and blend in with the locals. So even before the enemy comes into view, Corporal Young is considering how he will react and lead his squad in various potential contact scenarios. This is his forming of *analyses and synthesis*. At this point Corporal Young has the ability to be somewhat contemplative, but remains alert to his fellow Marines and the employment of his squad reconnaissance unmanned aviation system for additional *outside information* to best allow him to develop the situation during the *unfolding circumstances*.

By the time enemy presence is reported to Corporal Young, his squad is already under attack. The enemy engages Young and his men with rocket propelled grenades, medium machinegun fire, and small arms fire. Direct information in the form of enemy capabilities, position, estimated numbers, and tactics now becomes available. What Boyd referred to as the *unfolding circumstances* are near overwhelmingly, the focus of Young's attention. The adrenaline rush rocks Young and his men as they experience the human "fight or flight" syndrome. Being Marines, they rely on their discipline and training, seek cover, and force themselves to engage their minds before their weapons. One Marine with previous combat experience and great presence of mind throws a smoke grenade to screen the squad's exact positions from the enemy. Corporal Young fights the tunnel vision brought on by being shot at and the urge to immediately return fire in the direction of the village. He knows his men are feeling similar feelings and reminds them that there are civilians among the enemy in the village. He knows the ROE allow him to engage the enemy but remembers the reports from Lance Corporal Rodriguez that there are women and children on the roofs of the village as well. Continuing to rely on training, the Marines quickly recover the wounded and get out of the kill zone. From positions of cover, they attempt to identify and eliminate the immediate threat within the guidance of their leader.

Through his scope, Corporal Young surveys the mix of enemy and villagers and confirms the work of his designated marksmen. He is aware that his squad has reacted very professionally to the ambush but *orients* to the fact that the enemy has the advantage of cover and concealment in the village. Referencing his *previous experience* in training and combat; against a distant ambush he knows it is essential to respond quickly by getting out of the kill zone and then flank the enemy. As Young continues to orient the information he realizes that because of the tribal *cultural traditions* that if his squad attacks the enemy in the village, civilians will most likely die, and the entire tribal region may turn against the Marines. He acknowledges a report from the Corpsman and comprehends that one of his men requires a priority medical evacuation. Corporal Young *decides* that it may be more reasonable to break contact and focus on getting the casualty back to the Battalion Aid Station. Young continues **observation**: Is the enemy reacting to our precision fire? Back to *orient*: The enemy is shifting more civilians as human shields for their positions. ***Analysis and synthesis***: The enemy appears cunning and will probably remain in the village for prompting attack from the Marines to exploit the civilians, their tribal beliefs and the situation. Corporal Young again references his recent and *previous experience*: the enemy usually travels in about 12-18 man groups and from the sound of the weapons used in the ambush it was conducted with around what 15 men could equip. Additionally, the enemy triggered the ambush when the Marines were about 400 meters from the village. If they were more disciplined they may have waited until the Marines were closer. ***Analysis and synthesis***: The enemy may be prone to deception. ***Unfolding interaction with environment***: No change in the position or rate of fire from the enemy. ***Outside Information***: Company CP responds to situation report and orders an attack on the enemy in the village.

Appendix 4

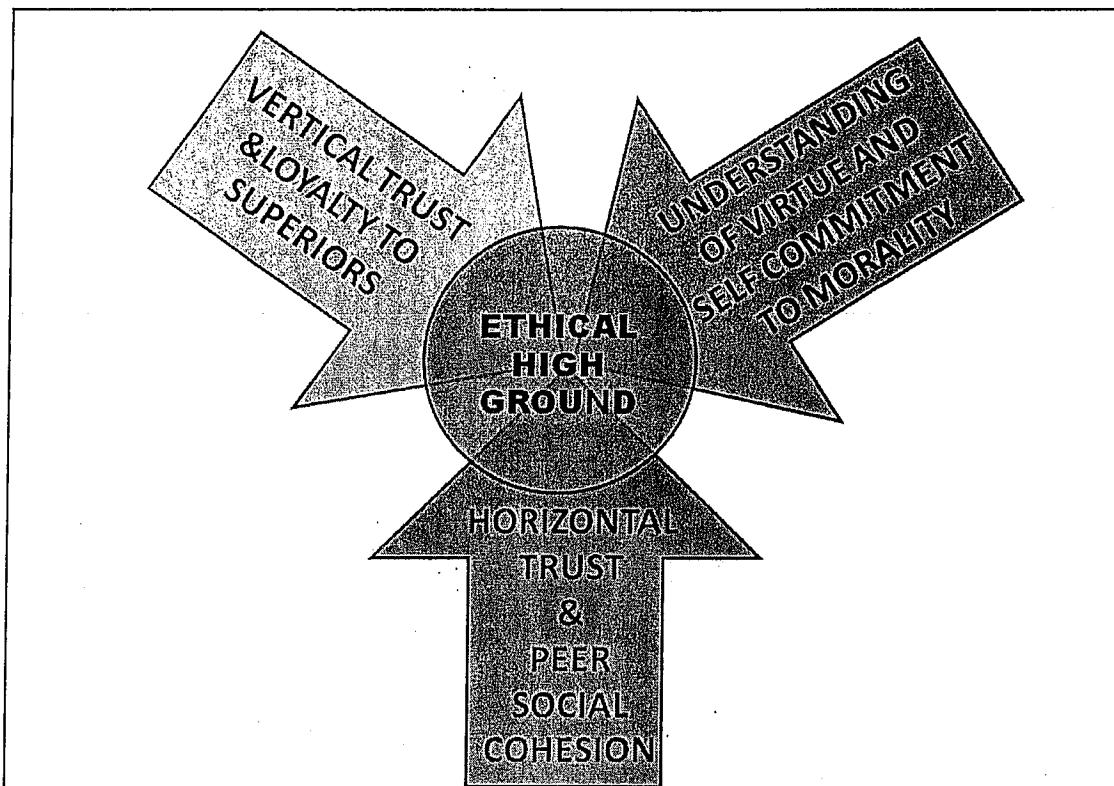


Figure 4. The Ethical Motivations Equilibrium

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